

APPLICANTS:
Larry & Victoria Elliott

REQUEST: A variance to allow a covered porch within the required front yard setback

HEARING DATE: October 3, 2005

BEFORE THE
ZONING HEARING EXAMINER
FOR HARFORD COUNTY
BOARD OF APPEALS
Case No. 5509

ZONING HEARING EXAMINER'S DECISION

APPLICANTS: Larry & Victoria Elliott

LOCATION: 606 Mauser Drive — Greenridge II, Bel Air
Tax Map: 49 / Grid: 1F / Parcel: 842 / Lot: 554
Third (3rd) Election District

ZONING: R2 / Urban Residential District

REQUEST: A variance, pursuant to Sections 267-36(B), Table V, and 267-23C(1)(a)[2] of the Harford County Code, to allow a covered porch within the required front yard setback (30 foot setback proposed), in the R2 District.

TESTIMONY AND EVIDENCE OF RECORD:

The Applicants describe their property as an approximately one-quarter (1/4) acre parcel located in the Greenridge II subdivision, and improved by a two-story colonial dwelling. The house has an uncovered, 6 foot by 9 foot concrete pad on its front side, which functions as a porch. The Applicants wish to add a covered porch, being 6 feet in depth, across the entire front of their house. The Applicants assert that this type of porch will be more in keeping with the other homes in the neighborhood, many of which are colonial in design and have similar covered porches.

The existing concrete pad is 6 feet in depth. The Applicants propose to simply expand that on each side for the width of the house, and to add a roof. Such a porch is allowed by right to encroach within the required 35 foot front yard setback by 3 feet. As the house is approximately one foot off the existing setback line, a resulting 2 foot variance is necessary in order to allow the proposed structure.

The Applicants also describe a problem with wetness and seepage along on the entire front foundation wall of the house. They believe that this problem, which is endemic in the neighborhood, would be corrected, or at least made less severe, by the addition of a covered porch along the front.

Case No. 5509 – Larry & Victoria Elliott

The Applicants have spoken to their neighbors and none has expressed any opposition to the request.

For the Harford County Department of Planning and Zoning testified Dennis Sigler. Mr. Sigler stated that the house now sits approximately 36 feet from the front yard lot line. With an allowed waiver of 3 feet, the proposal would nevertheless still require a 2 foot variance to the required 35 foot setback. The proposed porch, in Mr. Sigler's and the Department's opinion, will not noticeably impact the front yard setback requirement. The Department recommends some landscaping to lessen its visual impact. Mr. Sigler stated that the porch will not impact the existing front sidewalk.

Interestingly, Mr. Sigler identified twelve other variances within the neighborhood of the Applicants which have been granted for similar front porches. According to Mr. Sigler's research, all Applicants had argued that a covered porch would help reduce basement moisture and seepage problems which, apparently, is quite common in the neighborhood. All of those other requested variances had been granted.

Mr. Sigler and the Department are of the opinion that the requested use would have no impact on adjoining neighbors or the neighborhood, and is justified by the Applicants' circumstances.

There was no evidence or testimony presented in opposition.

APPLICABLE LAW:

Section 267-11 of the Harford County Code allows the granting of a variance to the requirements of the Code:

"Variances.

A. Except as provided in Section 267-41.1.H., variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.*
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.*

Case No. 5509 – Larry & Victoria Elliott

- B. *In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the state applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.*
- C. *If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after two (2) years from the date of such disapproval.”*

Section 267-23(C)(1)(a)[2] of the Harford County Code states:

“C. *Exceptions and modifications to minimum yard requirements.*

(1) *Encroachment. [Amended by Bill No. 88-17]*

(a) *The following structures shall be allowed to encroach into the minimum yard requirements, not to exceed the following dimensions:*

[2] *Bay windows, balconies, chimneys or porches: three (3) feet.”*

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The Applicants’ property is an attractive two story colonial on a quarter acre lot within the Greenridge II subdivision. The house is somewhat distinctive by its lack of a front porch similar to that which is normally seen on houses of this nature. There exists an approximately 6’ feet deep by 9 feet wide concrete pad at the front door.

The Applicants suffer from a water problem which apparently is prevalent in this subdivision. As a result, the Applicants have experienced seepage and wetness coming through the front, the street side foundation wall. The Applicants believe that extending the front porch pad and covering it with a roof will help prevent water from entering the front wall. Apparently, many other neighbors reached the same conclusion. Quite unusually, there have been at least twelve other variances granted for front porches in the same neighborhood, all of whom have given as partial reasons seepage through the front foundation wall.

The requested variance is for a 2 foot impact into the front yard setback. Visually, the

Case No. 5509 – Larry & Victoria Elliott

variance should be virtually unnoticeable as the porch will not extend any farther to the street than does the existing front pad. The Applicants have expressed their desire to comply with the Department of Planning and Zoning Staff Reports recommendation that the porch be landscaped.

It is accordingly found that the subject property exhibits a unique characteristic in that, for unknown reasons, the house suffers from seepage and wetness along the street side front wall. This problem is amply demonstrated by the fact that other neighbors have expressed similar issues and have taken the rather expensive step of requesting permission to build front porches in order to help alleviate the problem.

The requested variance is the minimum adjustment necessary in order to provide the relief requested, i.e., the construction of a porch similar to others in the neighborhood and designed in such a way to help prevent continuing seepage of water into the basement.

There will be no adverse impact if the requested variance were granted. Indeed, the requested relief, which would result in a porch similar to many others attached to colonial style homes in the neighborhood, should be a benefit to the neighborhood.

CONCLUSION:

For the above reasons it is recommended that the requested variance be granted, subject to the following conditions:

1. That the Applicants obtain all necessary permits, approvals and inspections for the construction of the porch.
2. The Applicants shall submit a landscaping plan to the Department of Planning and Zoning for approval prior to the issuance of a permit for the porch.

Date: October 7, 2005

ROBERT F. KAHOE, JR.
Zoning Hearing Examiner

Any appeal of this decision must be received by 5:00 p.m. on NOVEMBER 4, 2005.